

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CANDACE L. SHEPHARD-COLLETTE,)
)
)
Plaintiff,)
)
)
vs.) No. CIV 17-435-C
)
)
NANCY A. BERRYHILL,)
Acting Commissioner of the)
Social Security Administration,)
)
)
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for judicial review of the Commissioner's denial of disability insurance benefits was referred for initial proceedings to United States Magistrate Judge Suzanne Mitchell, consistent with 28 U.S.C. § 636(b)(1)(B). Judge Mitchell entered a Report and Recommendation on November 16, 2017, recommending the case be reversed and remanded. Defendant filed a timely Objection to which Plaintiff has responded. The Court will consider the matter *de novo*.

The facts and law are accurately set out in Judge Mitchell's Report and Recommendation and there is no purpose to be served in repeating them yet again. In her objection, Defendant renews arguments raised before Judge Mitchell. As Judge Mitchell noted, the arguments raised by Defendant rely on unpublished decisions and run counter to binding Tenth Circuit precedent. Further, the cases relied on by Defendant are factually distinguishable from the present case. Accordingly, the Court rejects Defendant's arguments.

For the reasons set forth herein, the Court ADOPTS the Report and Recommendation of the Magistrate Judge (Dkt. No. 21) and REMANDS this matter to Defendant for further proceedings consistent with the rulings herein. A judgment will enter accordingly.

IT IS SO ORDERED this 18th day of December, 2017.



ROBIN J. CAUTHRON
United States District Judge